

FEDERAL COMMUNICATIONS COMMISSION
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January 20, 2016

Jan Charles Gray
Mt. Rushmore Broadcasting, Inc.
218 N. Walcott
Casper, WY 82602

Re: KIQZ (FM), Rawlins, WY
Mt. Rushmore Broadcasting, Inc.
Facility Identification Number: 46737
Special Temporary Authority
BSTA-20160111ACY

Dear Licensee:

This is in reference to the request filed January 11, 2016, on behalf of Mt. Rushmore Broadcasting, Inc. ("MRB"). MRB indicates that the station has been silent for nearly a year, and proposes to resume operation using a one bay antenna mounted on a pole, at an ERP of 0.200 kW ERP.¹ As a matter of law, MRB must return silent station KIQZ to operating status **no later than January 28, 2016** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

The STA request is granted, subject to the provisions set forth below. KIQZ is authorized to operate with the following facilities:

¹ KIQZ originally went silent in December of 2010 due to "staffing problems" (BLSTA-20101208ADM, granted February 2, 2011 and extended October 6, 2011). Then KIQZ was granted an STA to operate with the same facilities specified here -- not at its licensed transmitter site, but at the station's studio location -- because its lease had expired (BSTA-20120612ADA, granted June 15, 2012). After only a few days of (presumed) operation, KIQZ ceased broadcasting and requested an STA to remain silent (BLSTA-20120622ACN, granted September 7, 2012). MRB requested an STA for temporary operation (BSTA-20130530APD) which was granted June 3, 2013, stating that STA operation must commence before June 21, 2013, with the expectation expressed that KIQZ would be operated throughout the entire six month period of the STA. Contrary to that expectation, MRB once more filed a request to remain silent on June 11, 2013 (BLSTA-20130611ACM, granted August 28, 2013) and an extension of that request to remain silent (BLESTA-20140220ABJ, granted February 21, 2014). MRB filed a Notice of Resumption of Operations on June 4, 2014.

On February 10, 2015, MRB filed a silent station notification, once more citing staffing issues. This was followed by a silent station STA request (BLSTA-20150227ACJ, granted April 2, 2015) and a silent STA extension request (BLESTA-20150929ACJ, granted November 17, 2015). The current STA request, filed January 11, 2016, states that the licensee has hired new employees and is ready to resume operations with the requested temporary facilities.

KIQZ is licensed to operate with 3.0 kW ERP at an antenna height above average terrain (HAAT) of 91 meters.

Geographic coordinates:	41° 47' 04" N, 107° 15' 47" W (NAD 1927)
Channel	224 (92.7 MHz)
Effective radiated power:	0.2 kilowatt (H&V)
Antenna height:	
above average terrain:	-32 meters
above mean sea level:	2117 meters
above ground:	15 meters

This STA expires July 19, 2016. MRB must send an e-mail to Dale Bickel, dale.bickel@fcc.gov, on the date that operations pursuant to this STA commence. MRB must also file a "Resumption of Operations" notice in the CDBS electronic filing system. This date will be recorded in the Commission's CDBS database. We expect that MRB shall maintain these STA operations for KIQZ on 92.7 MHz throughout the six month term of this STA.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **January 28, 2016**], notwithstanding the grant of the present STA. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and Order, *Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). See also Public Notice, *Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, released January 8, 2008.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dale Bickel".

Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Mark Lipp (via-e-mail only)